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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

RANDY BLANCHARD

CIVIL ACTION NO. 04-1857

VS.

JUDGE RICHARD T. HAIK

COMMISSIONER OF SOCIAL SECURITY

MAGISTRATE JUDGE METHVIN

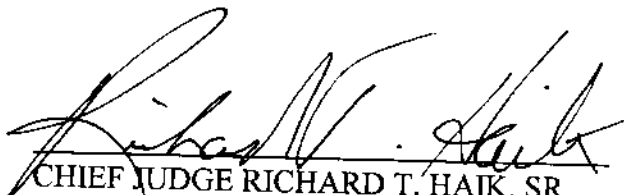
JUDGMENT

This matter was referred to United States Magistrate Judge Mildred E. Methvin for her Report and Recommendation. After an independent review of the record, the applicable jurisprudence, and the objections filed by the Plaintiff, this Court concludes that the Findings and Recommendations of the Magistrate Judge are incorrect for the following reasons. First, the Commissioner's denial of disability benefits is not supported by substantial evidence in the record. *Carey v. Apfel*, 230 F.3d 131, 136 (5th Cir. 2000); *Anthony v. Sullivan*, 954 F.2d 289, 292 (5th Cir. 1992); *Greenspan v. Shalala*, 38 F.3d 232, 236 (5th Cir. 1994). Second, the Commissioner's decision does not comport with relevant legal standards. *Carey*, 230 F.3d at 136; *Anthony*, 954 F.2d at 292; *Greenspan*, 38 F.3d at 236.

Accordingly, IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Commissioner's decision is REVERSED and the cause is REMANDED solely for the calculation of benefits owed to Plaintiff as of June 19, 2001, the date Plaintiff filed his application for disability insurance benefits.

THUS DONE AND SIGNED in Lafayette, Louisiana, on the 30th day of

January, 2006.


CHIEF JUDGE RICHARD T. HAIK, SR.
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA